

REMARKS

Rejection of Claims 58-64 and 66-90 - 35 U.S.C. §103(a)

In the Office Action, Claims 58-64 and 66-90 were rejected under 35 U.S.C. §103(a) as unpatentable in view of Fletcher-Haynes et al. U.S. Published Application No. US 2001/0034614 A1 (hereinafter "Fletcher-Haynes"). In addition, Claim 83 was rejected under Section 103(a) over Fletcher-Haynes in view of U.S. Patent No. US 5,978,466 to Quattrocchi, and Claims 84-88 were rejected under Section 103(a) over Fletcher-Haynes and Quattrocchi in further view of U.S. Patent No. 5,132,026 to Baluyot.

Independent Claims 58 and 82 have been further amended herein. As amended, Claim 58 now recites that the system includes, inter alia, a blood component collection kit inventory database for tracking the inventory of unused blood component collection kits to assist in replenishing the blood component collection kits. Similarly, Claim 82 now recites, inter alia, that the computer readable medium includes a fifth segment for tracking the inventory of unused blood component collection kits to assist in replenishing the blood component collection kits.

Claims 84 and 86 have been amended for grammatical

reasons.

Fletcher-Haynes does not fairly teach or suggest the invention claimed in amended independent Claims 58 and 82 for the following reasons.

Fletcher-Haynes is generally concerned with manipulating and optimizing blood collection procedures to maximize the type or amount of blood components that may be collected from a particular donor. As explained in paragraph 0162, these blood product components include platelets, plasma and RBCs. Paragraph 0195 of Fletcher-Haynes is concerned with an inventory of blood components (also referred to as "units"), i.e., platelets, plasma and RBCs, that have previously been collected. However, this is in furtherance of the optimization procedures of Fletcher-Haynes, i.e., to collect blood components that are not already in plentiful supply at the blood centers or hospitals.

Unlike the present invention, Fletcher-Haynes does not fairly disclose or teach a system including a blood component collection kit inventory database for tracking the inventory of unused blood component collection kits to assist in replenishing the inventory of blood component collection kits (Claim 58), or a segment in a computer readable medium for tracking the inventory of unused blood

component collection kits to assist in replenishing the inventory of blood component collection kits (Claim 82). In short, Fletcher-Haynes is not concerned with any inventory of blood component collection kits. The manipulation and optimization techniques taught by Fletcher-Haynes are directed to maximizing the blood component yield in a fixed time. See, e.g., the Abstract of Fletcher-Haynes.

It is stated in the Office Action that it would be obvious to track the inventory of blood collection kits in view of the disclosure in Fletcher-Haynes and that Paragraph 0011 mentions that blood components are inventoried. As disclosed in Paragraphs 0011 through 0039, which collectively constitute the Summary of the Invention in Fletcher-Haynes, their invention is directed to manipulation and optimization techniques to maximize the blood component collection processes. Accordingly, Fletcher-Haynes is concerned with the inventory of previously collected blood components so as to collect the most needed blood components. While blood component collection kits are mentioned, such as in Paragraph 0137, this is for the purpose of coordinating the correct component collection kit for the desired blood component collection procedure.

Applicants respectfully submit that Fletcher-Haynes does not support an obvious rejection under Section 103(a). The Fletcher-Haynes published application contains 44 sheets of drawings and 316 numbered paragraphs of disclosure. In short, it is a very thorough disclosure of the invention claimed therein. Yet there is no fair disclosure or teaching of tracking the inventory of unused blood component collection kits, as in the present invention. Applicants submit that the conclusion should be straight-forward -- that if Fletcher-Haynes had thought of the present invention, it would also have been included in their lengthy disclosure. But it was not. Applicants therefore submit that Fletcher-Haynes is evidence of non-obviousness; not of obviousness.

The Applicants are not in agreement with the reasons cited in many of the rejections of the dependent claims. However, since independent Claims 58 and 82 are believed to be patentable over the cited art, the dependent claims should also be allowable as placing additional limitations on independent Claims 58 and 82.

Reconsideration and removal of the rejections of Claims 58-64 and 66-90 are respectfully solicited.

CONCLUSION

For the foregoing reasons, it is believed that Claims 58-64 and 66-90 patentably distinguish over the prior art and that these claims are in condition for allowance. Early allowance is respectfully solicited.

It is believed that no fees are due. However, if any fees are applicable, kindly charge any such fees to our deposit account number 50-1039.

The Examiner is invited to call the undersigned to further discuss any of these matters.

Respectfully submitted,

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Dated

  
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